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6 Attorney for Defendant,
7 MARCUS ASAY

8 UNITED STATES DISTRICT COURT
9 EASTERN DISTRICT OF CALIFORNIA

10 *****

11 UNITED STATES OF AMERICA.

) CASE NO.: 1:22-CR-00162-DAD

12 Plaintiff,

13 v.) AMENDED

14 MARCUS ASAY,

15 Defendant.) NOTICE AND ORDER

16) TO FILE EXHIBIT 2,

17) VIDEOS OF MARCUS ASAY

18) (Doc. No. 48)

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NOTICE IS HEREBY GIVEN that pursuant to Local Rule 141, Local Rules of the
United States District Court of the Eastern District of California, Anthony P. Capozzi, as
attorney for defendant, Marcus Asay, has submitted to the Court a Request to Seal Exhibit 2,
requesting the Court Order Exhibit 2 to be filed **UNDER SEAL**.

Respectfully submitted,

Dated: September 12, 2025,

By:/s/ Anthony P. Capozzi
ANTHONY P. CAPOZZI, Attorney for
MARCUS ASAY

ORDER

Pursuant to Local Rule 141(b) IT IS HEREBY ORDERED that the Defendant, Marcus Asay's Exhibit 2, pursuant to 18 U.S.C. § 3006A be SEALED until further order of this Court. It is further ordered that access to the sealed documents shall be limited to the government and counsel for the defendant.

The Court has considered the factors set forth in Oregonian Publishing Co. v. U.S. District Court for the District of Oregon, 920 F.2d1462 (9th Cir. 1990). The court finds that, for the reasons stated in the defendant's request, sealing the defendant's *ex parte* motion serves a compelling interest. The court further finds that, in the absence of closure, the compelling interest identified by the defendant would be harmed. In light of the public filing of its requests to seal, the Court further finds that there are no additional alternatives to sealing the defendant's *ex parte* motion that would adequately protect the compelling interest identified by the defendant.¹

IT IS SO ORDERED.

Dated: October 1, 2025

Dale A. Drozd
DALE A. DROZD
UNITED STATES DISTRICT JUDGE

1. The court notes that on September 22, 2025, Chief Judge Troy L. Nunley issued an order denying defendant's motion for to continue the trial date in this action (Doc. No. 51) and, on September 25, 2025 issued an order reassigning this case to Senior District Judge John A. Mendez (Doc. No. 52). The case is now on calendar for a trial confirmation hearing before Judge Mendez on October 7, 2025 at 9:00 a.m. (Doc. No. 53.) However, defendant's motion to seal Exhibit 2 in support of his motion to continue has not been ruled upon until the issuance of this order. All future filings in this action shall be directed to Judge Mendez.